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10 In Pro Per  
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15 UNITED STATES DISTRICT COURT  
16  
17 NORTH DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

18 RAY K. SHAHANI, | Case No: 3:16-cv-3862-JSC  
19 Plaintiff, | Honorable JACQUELINE SCOTT CORLEY  
20 vs. | RESPONSE TO ORDER TO SHOW  
21 NIEVES (NICK) MOCTEZUMA, and DOES | CAUSE RE SUBJECT MATTER  
22 1-25 | JURISDICTION  
23 Defendants.

24 Plaintiff RAY K. SHAHANI (hereafter "Plaintiff") hereby responds to the ORDER TO  
25 SHOW CAUSE RE SUBJECT MATTER JURISDICTION issued by this Court (Dkt. No. 20) in  
26 regards to Plaintiff's MOTION FOR ENTRY OF DEFAULT JUDGMENT against Defendant  
27 NIEVES (NICK) MOCTEZUMA, an Individual (hereafter "Defendant") (Dkt. No. 17).

28 **I. POSSESSION OF INFRINGING RECORDINGS IS VIOLATION**

29 Plaintiff does have a "real and reasonable apprehension" of being found liable for  
30 copyright infringement, as required under *Abrahams v. Hard Drive Prods., Inc.*, No. C-12-01006  
31 JCS, 2012 WL 5499853, at \*4 (N.D. Cal. Nov. 13, 2012), which held that a plaintiff must show a  
32 "real and reasonable apprehension" that they may be subject to liability to establish subject matter  
33 jurisdiction under the Declaratory Judgment Act.

1       “Copyright protection subsists . . . in original works of authorship fixed in any tangible  
 2 medium of expression . . . from which they can be perceived, reproduced, or otherwise  
 3 communicated, either directly or with the aid of a machine or device. Works of authorship include  
 4 the following categories: . . . (2) musical works, including any accompanying words; [and] (7) sound  
 5 recordings”. 17 USC § 102(a)

6       The owner of copyright has exclusive rights to do and to authorize any of the following: (1)  
 7 to reproduce the copyrighted work in copies or phonorecords; (2) to prepare derivative works based  
 8 upon the copyrighted work; (3) to distribute copies or phonorecords of the copyrighted work to the  
 9 public by sale or other transfer of ownership, or by rental, lease, or lending. 17 USC § 106

10       17 USC § 501(a) states: “**Anyone** who violates any of the exclusive rights of the copyright  
 11 owner as provided by sections 106 through 122 . . . is an infringer of the copyright or right of the  
 12 author”. 17 USC § 501(b) states: “The legal or beneficial owner of an exclusive right under a  
 13 copyright is entitled . . . to institute an action for any infringement of that particular right committed  
 14 while he or she is the owner of it.” (**Bold** added for emphasis.)

15       Finally, 17 U.S. Code § 506 entitled “Criminal offenses”, subpart (a)(1) (A) states that “[a]ny  
 16 person who willfully infringes a copyright shall be punished as provided under section 2319 of title  
 17 18, if the infringement was committed” ... “for purposes of commercial advantage or private  
 18 financial gain”.

19       In the present case, Shahani commissioned Moctezuma to photograph and prepare a  
 20 multimedia video presentation. Moctezuma included copyright-protected sound recordings which  
 21 make the multimedia video presentation a copyright infringement. Shahani paid for the infringing  
 22 presentation and is in possession of the presentation. Shahani is liable for copyright infringement to  
 23 the copyright owners for personal use of the copyright infringing multimedia video presentation.<sup>1</sup>

24 **II. PLAINTIFF MAY NOT HAVE ACCESS TO STATE COURTS**

25  
 26       

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 27       <sup>1</sup>In 1997, Congress passed the No Electronic Theft Act (also known as the "NET" Act). The  
 28 NET Act made it a crime to share computer files containing copyrighted songs, movies, etc. with  
 friends or with strangers through the internet. Regardless of who copied the infringed work, the copy  
 is a violation of copyright law, and even personal use of the copy is a violation of copyright law.

1 State law is preempted by the Copyright Act. In 1976, Congress introduced a single,  
 2 preemptive federal statutory scheme for copyright law. The federal preemption provision, codified at  
 3 17 U.S.C. § 301(a), states that:

4 On and after January 1, 1978, all legal or equitable rights that are equivalent to any  
 5 of the exclusive rights within the general scope of copyright as specified by section  
 6 106 in works of authorship that are fixed in a tangible medium of expression and  
 7 come within the subject matter of copyright as specified by sections 102 and 103,  
 whether created before or after that date and whether published or unpublished, are  
 governed exclusively by this title. Thereafter, no person is entitled to any such right  
 or equivalent right in any such work under the common law or statutes of any State.

8 Thus, if (1) the work at issue comes within the subject matter of copyright as defined by  
 9 Section 102, and (2) the rights granted under the state law are equivalent to any of the exclusive  
 10 rights granted by Section 106. *United States ex rel. Berge v. Bd. of Trustees of the Univ. of Alabama*,  
 11 104 F.3d 1453, 1463 (4th Cir. 1997).

12 Therefore, while Shahani could very well bring a lawsuit in State court for breach of contract  
 13 and declaratory relief of non-infringement of copyright, the latter claims would almost certainly be  
 14 dismissed as one for which Federal courts have exclusive jurisdiction.<sup>2</sup>

15 **III. COPYRIGHT OWNERS MAY BE INDISPENSABLE PARTIES**

16 Federal Rules of Civil Procedure Rule 19(a)(1) entitled “Persons Required to Be Joined If  
 17 Possible” state that a person who is subject to service of process and whose joinder will not deprive  
 18 the court of subject-matter jurisdiction must be joined as a party if (A) in that person's absence, the  
 19 court cannot accord complete relief among existing parties; or (B) that person claims an interest  
 20 relating to the subject of the action and is so situated that disposing of the action in the person's  
 21 absence may: (I) as a practical matter impair or impede the person's ability to protect the interest; or  
 22 (ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise  
 23 inconsistent obligations because of the interest.”

24 FRCP Rule 19 (a)(2) states that [i]f a person has not been joined as required, the court must  
 25

26 \_\_\_\_\_  
 27 <sup>2</sup>It is respectfully urged that even a State court claim brought by Shahani for straight breach  
 28 of contract under California law could be considered preempted by Federal law and dismissed on  
 demur as failing to state facts sufficient to constitute a cause of action. Cal. Code Civ. Pro. §  
 430.10(e).

1 order that the person be made a party. A person who refuses to join as a plaintiff may be made either  
 2 a defendant or, in a proper case, an involuntary plaintiff.

3 In the present case, the Court has opined that it cannot “declare Plaintiff not infringing when  
 4 the copyright owners are not parties to the suit.” (Dkt. No. 20 at 22). The Court has also determined  
 5 “Plaintiff is not an owner of any of the copyrighted material in question and the owners are not  
 6 parties.” (Dkt. 20 at 11.)

7 **IV. COPYRIGHT OWNERS MIGHT BE PERMISSIVELY JOINED**

8 Federal Rules of Civil Procedure Rule 20 entitled “Permissive Joinder of Parties” states:

9 “(a) Persons Who May Join or Be Joined.

10 (1) Plaintiffs. Persons may join in one action as plaintiffs if:

11 (A) they assert any right to relief jointly, severally, or in the alternative with  
 12 respect to or arising out of the same transaction, occurrence, or series of  
 13 transactions or occurrences; and

14 (B) any question of law or fact common to all plaintiffs will arise in the action.

15 \*\*\*

16 (3) Extent of Relief. Neither a plaintiff nor a defendant need be interested in obtaining or  
 17 defending against all the relief demanded. The court may grant judgment to one or more  
 18 plaintiffs according to their rights, and against one or more defendants according to their  
 19 liabilities.

20 (b) Protective Measures.

21 The court may issue orders—including an order for separate trials—to protect a party  
 22 against embarrassment, delay, expense, or other prejudice that arises from including a  
 23 person against whom the party asserts no claim and who asserts no claim against the  
 24 party.”

25 Plaintiff has not notified any of the copyright owners of the copyright infringement, but  
 26 he could. As is well known, copyrights in popular sound recordings are often assigned to artists  
 27 and performers rights-collecting agencies such as ASCAP (American Society of Composers,  
 28 Authors and Publishers) and BMI (Broadcast Music, Inc.). Attached hereto as Exhibits A-D are

1 printouts of public records that show ownership of rights held by BMI as well as third-party  
 2 retailers including iTunes and Amazon in the songs infringed by Moctezuma.

3 Shahani hereby respectfully requests this Court hold that the copyright owners of the  
 4 infringed musical recordings be added as voluntary plaintiffs under FRCP Rule 19(a)(2). In the  
 5 alternative, Shahani seeks leave to file a motion to join BMI and the other rights holders joined  
 6 permissively under FRCP Rule 20(a)(1). In either case, the copyright owners themselves need  
 7 not be required to pursue their claims for copyright infringement against Moctezuma if they elect  
 8 not to. However, to the extent their presence is necessary for this Court to exercise subject matter  
 9 jurisdiction, the copyright owners could be made voluntary or involuntary plaintiffs.

10 **V. CONCLUSION**

11 Plaintiff Shahani hereby requests this Court to find that Shahani has alleged a real and  
 12 reasonable apprehension that he may be subject to liability for copyright infringement that is  
 13 sufficient to find this Court has subject matter jurisdiction. Like with downloaded music or  
 14 games, being in possession of illegal products can be a criminal violation. In this case, it could  
 15 subject Shahani to criminal prosecution.

16 If, however, the Court has any doubt, Shahani hereby requests leave to file, within 60  
 17 days, a motion under either FRCP Rule 19 or 20 to join as plaintiffs the copyright owners in the  
 18 infringed musical works. Once one or more of the copyright owners has joined the action,  
 19 Defendant can be re-served with a copy of a re-issued Summons and Amended Complaint. Such  
 20 motion to join parties could be filed within the next 60 days.

21 RAY K. SHAHANI  
 22 ATTORNEY AT LAW

23 Dated: December 12, 2016

24 By: /Ray K. Shahani/  
 25 Ray K. Shahani, Esq.  
 26 Attorney at Law

27 ///

28

**PROOF OF SERVICE**  
STATE OF CALIFORNIA, COUNTY OF SAN MATEO

I am employed in the county of San Mateo, State of California. I am over the age of 18 and not a party to the within action; my business address is Oyster Point Marina Plaza, 400 Oyster Point Blvd., Suite 518, South San Francisco, CA 94080.

On December 12, 2016, I served the foregoing document(s) described as:

1. Response to Order to Show Cause re Subject Matter Jurisdiction

by placing the true cop(ies) thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

I deposited such envelope in the mail in South San Francisco, California. The envelope was mailed by First Class Mail with postage thereon fully prepaid.

10 I am "readily familiar" with the firm's practice of collection and processing  
correspondence for mailing. Under that practice, it would be deposited with U.S. Postal Service  
11 on that same day with postage thereon fully prepaid at South San Francisco, California in the  
ordinary course of business. I am aware that on motion of the party served, service is presumed  
12 invalid if postal cancellation date or postage meter date is more than one day after date of deposit  
for mailing in affidavit.

Mailing List:

1. Nieves Moctezuma  
950 W. 100 South  
Orem, UT 84058

16 I declare under penalty of perjury under the laws of the State of California that the above  
is true and correct.

Executed on December 12, 2016, at South San Francisco, California.



Tim T. Le

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## **EXHIBIT A**

# ★ HOW DEEP IS YOUR LOVE

TITLE

**TITLE DETAIL**

---

BMI Work # 591801

---

ISWC # T-070918858-8

---

Total Controlled by BMI: 100.00%

---

**ALTERNATE TITLES:**

---

QUE PROFUNDO ES TU AMOR

---

QUE TAN PROFUNDO ES TU AMOR

---

QUE GRANDE ES TU AMOR

---

SONGWRITER/COMPOSER	CURRENT AFFILIATION	CAE/IPI #
● <a href="#">GIBB BARRY ALAN</a>	BMI	11811727
● <a href="#">GIBB MAURICE ERNEST</a>	BMI	11811825
● <a href="#">GIBB ROBIN HUGH</a>	BMI	11812038
PUBLISHERS	CURRENT AFFILIATION	CAE/IPI #
● <a href="#">CROMPTON SONGS</a>	BMI	434165571
● <a href="#">GIBB BROTHERS MUSIC</a>	BMI	11669400

**ARTISTS**

---

● [BEE GEES](#)

---

● [CLAYDERMAN RICHARD](#)

---

● [DEMPSEY JIMMY](#)

---

● [HEART TO HEART](#)

---

● [MATHIS JOHNNY](#)

---

● [WHITE PETER](#)

---

★ Denotes BMI Award Winning Song!

## EXHIBIT B

# iTunes Preview

[Overview](#)[Music](#)[Video](#)

iTunes is the world's easiest way to organize and add to your digital media collection.

We are unable to find iTunes on your computer. To preview and buy music from Independiente by Ricardo Arjona, download iTunes now.

Already have iTunes? Click I Have iTunes to open it now.

[I Have iTunes](#)[Free Download](#)

## Independiente

[View More by This Artist](#)**Ricardo Arjona**

Open iTunes to preview, buy, and download music.



\$9.99

Genres: [Pop Latino](#), [Music](#), [Latino](#)

Released: 2011

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### Customer Ratings

11 Ratings

### Influenced by This Artist

[Luciano Pereyra](#)  
[Jeremías](#)

### Contemporaries

[Timbiriche](#)  
[Ricardo Montaner](#)  
[Yolandita Monge](#)  
[Sergio Vargas](#)  
[Franco de Vita](#)  
[Fey](#)  
[Mijares](#)

	Name	Artist	Time	Price	
1	Lo Que Está Bien Está Mal	Ricardo Arjona	3:43	\$1.29	<a href="#">View in iTunes</a>
2	Hay Amores	Ricardo Arjona	4:17	\$1.29	<a href="#">View in iTunes</a>
3	A la Medida	Ricardo Arjona	3:45	\$1.29	<a href="#">View in iTunes</a>
4	El Amor	Ricardo Arjona	4:46	\$1.29	<a href="#">View in iTunes</a>
5	Lo Mejor de Lo Peor	Ricardo Arjona	4:02	\$1.29	<a href="#">View in iTunes</a>
6	Mi Novia Se Me Está Poniendo Vi...	Ricardo Arjona	5:11	\$1.29	<a href="#">View in iTunes</a>
7	Te Juro	Ricardo Arjona	3:52	\$1.29	<a href="#">View in iTunes</a>
8	Fuiste Tú (feat. Gaby Moreno)	Ricardo Arjona	4:25	\$1.29	<a href="#">View in iTunes</a>
9	Te Quiero	Ricardo Arjona	4:38	\$1.29	<a href="#">View in iTunes</a>
10	Si Tú No Existieras	Ricardo Arjona	4:00	\$1.29	<a href="#">View in iTunes</a>
11	Reconciliación	Ricardo Arjona	5:05	\$1.29	<a href="#">View in iTunes</a>
12	Se Fue	Ricardo Arjona	4:47	\$1.29	<a href="#">View in iTunes</a>
13	Caudillo	Ricardo Arjona	5:05	\$1.29	<a href="#">View in iTunes</a>
14	Mi Novia Se Me Está Poniendo Vi...	Ricardo Arjona	5:05	\$1.29	<a href="#">View in iTunes</a>

14 Songs

### Customer Reviews

Excelente disco  
by elchinoblues

Muy buen disco producido de forma independiente por la disquera de Arjona. Alta calidad

Me gustan todas  
by Jenrry zuniga

Sigan escuchándolo

Alejandra Guzmán  
Elefante  
Duncan Dhu

Album Independiente – Ricardo Arjona

by Lorenia Misiaszek

Una fuente de inspiración. Gracias Arjona.

A source of inspiration. Thank you Arjona.

## Biography

Born: January 19, 1964 in Antigua, Guatemala

Genre: Pop Latino

Years Active: '90s, '00s, '10s

Guatemalan singer/songwriter Ricardo Arjona is one of the more respected Latin artists, mostly for his social conscience and his integrity in writing and performing songs. Born in Antigua, he was interested in music from early age but later decided to become a rural schoolteacher. He also played basketball for the Guatemalan national team, but continued to play guitar and write songs in his spare time. After realizing that music was vocation, he moved to Mexico City; once there, he began looking...

## Top Albums and Songs by Ricardo Arjona



1. [Viaje](#)  
View in iTunes

2. [Quién Dijo Ayer](#)  
View in iTunes

3. [Simplemente Lo Mejor](#)  
View in iTunes

4. [Vivo](#)  
View in iTunes

5. [Historias](#)  
View in iTunes

	Name	Album	Time	Price	
1	<a href="#">Desnuda</a>	<a href="#">Simplemente Lo Mejor</a>	4:15	\$1.29	<a href="#">View in iTunes</a>
2	<a href="#">Fuiste Tú (feat. Gaby Moreno)</a>	<a href="#">Independiente</a>	4:25	\$1.29	<a href="#">View in iTunes</a>
3	<a href="#">Quiero</a>	<a href="#">Quién Dijo Ayer</a>	4:52	\$1.29	<a href="#">View in iTunes</a>
4	<a href="#">El Problema</a>	<a href="#">Santo Pecado</a>	5:30	\$1.29	<a href="#">View in iTunes</a>
5	<a href="#">Señora de las Cuatro Décadas</a>	<a href="#">Historias</a>	5:06	\$1.29	<a href="#">View in iTunes</a>
6	<a href="#">Jesús Verbo No Sustantivo (S...)</a>	<a href="#">Quién Dijo Ayer</a>	6:47	\$1.29	<a href="#">View in iTunes</a>
7	<a href="#">Te Conozco</a>	<a href="#">Quién Dijo Ayer</a>	4:08	\$1.29	<a href="#">View in iTunes</a>
8	<a href="#">Quién</a>	<a href="#">Quién Dijo Ayer</a>	4:16	\$1.29	<a href="#">View in iTunes</a>
9	<a href="#">Ella y El</a>	<a href="#">Si el Norte Fueras el Sur</a>	6:13	\$1.29	<a href="#">View in iTunes</a>
10	<a href="#">Desnuda</a>	<a href="#">Sin Daños a Terceros</a>	4:14	\$1.29	<a href="#">View in iTunes</a>
11	<a href="#">Historia de Taxi</a>	<a href="#">Quién Dijo Ayer</a>	6:42	\$1.29	<a href="#">View in iTunes</a>

## Listeners Also Bought



[Franco de Vita en...  
Franco de Vita](#)



[Creo en Mi  
Natalia Jiménez](#)



[¿Con Quién Se Queda el Perro?  
Jesse & Joy](#)



[20 Grandes Éxitos...  
Laura Pausini](#)



[Dejarte de Amar  
Camila](#)

	<a href="#">View in iTunes</a>	<a href="#">View in iTunes</a>	<a href="#">View in iTunes</a>	<a href="#">View in iTunes</a>	<a href="#">View in iTunes</a>	
	Name	Album	Artist	Time	Price	
1	<a href="#">Mientras Tanto (fe...</a>	<a href="#">Mientras Tanto (feat. Tommy Torres</a>	<a href="#">Tommy Torres</a>	5:30	\$1.29	<a href="#">View in iTunes</a>
2	<a href="#">Hice Llorar Hasta ...</a>	<a href="#">Paraíso Express (Deli</a>	<a href="#">Alejandro Sanz</a>	4:09	\$1.29	<a href="#">View in iTunes</a>
3	<a href="#">¡Corre!</a>	<a href="#">¿Con Quién Se Quedó</a>	<a href="#">Jesse &amp; Joy</a>	4:48	\$1.29	<a href="#">View in iTunes</a>
4	<a href="#">Te Fuiste de Aquí ...</a>	<a href="#">Reik (En Vivo Desde</a>	<a href="#">Reik</a>	3:46	\$1.29	<a href="#">View in iTunes</a>
5	<a href="#">Alma Gemela</a>	<a href="#">Bien Acompañado</a>	<a href="#">Reyli Barba &amp; Camila</a>	3:43	\$0.99	<a href="#">View in iTunes</a>
6	<a href="#">Felicitades (Live A...</a>	<a href="#">Dos Mundos Revoluc</a>	<a href="#">Alejandro Fernández</a>	4:14	\$1.29	<a href="#">View in iTunes</a>
7	<a href="#">Convénceme</a>	<a href="#">Viajero Frecuente (Bc</a>	<a href="#">Ricardo Montaner</a>	3:39	\$0.99	<a href="#">View in iTunes</a>
8	<a href="#">Querido Tommy</a>	<a href="#">Querido Tommy – Si</a>	<a href="#">Tommy Torres</a>	4:59	\$1.29	<a href="#">View in iTunes</a>
9	<a href="#">Se Vende</a>	<a href="#">La Música No Se Toca</a>	<a href="#">Alejandro Sanz</a>	3:51	\$1.29	<a href="#">View in iTunes</a>
10	<a href="#">Si Quieres Decir A...</a>	<a href="#">Franco de Vita en Pri</a>	<a href="#">Franco de Vita</a>	4:31	\$1.29	<a href="#">View in iTunes</a>

## App Store on Facebook and Twitter



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[@AppStore](#).



## iTunes on Facebook



Discover and share  
new music, movies,  
TV, books, and  
more.



## iTunes on Twitter



Follow us [@iTunes](#) and  
new iTunes Radio Stati-  
and the music we love.



iTunes

Shop and Learn	Apple Store	For Education	Account	About Apple
Mac	<a href="#">Find a Store</a>	<a href="#">Apple and Education</a>	<a href="#">Manage Your Apple ID</a>	<a href="#">Apple Info</a>
iPad	<a href="#">Genius Bar</a>	<a href="#">Shop for College</a>	<a href="#">Apple Store Account</a>	<a href="#">Newsroom</a>
iPhone	<a href="#">Workshops and Learning</a>		<a href="#">iCloud.com</a>	<a href="#">Job Opportunities</a>
Watch	<a href="#">Youth Programs</a>	<b>For Business</b>		<a href="#">Press Info</a>
TV	<a href="#">Apple Store App</a>	<a href="#">Apple and Business</a>	<b>Apple Values</b>	<a href="#">Investors</a>
Music	<a href="#">Refurbished</a>	<a href="#">Shop for Business</a>	<a href="#">Accessibility</a>	<a href="#">Events</a>
iTunes	<a href="#">Financing</a>		<a href="#">Education</a>	<a href="#">Contact Apple</a>
iPod	<a href="#">Reuse and Recycling</a>		<a href="#">Environment</a>	
Accessories	<a href="#">Order Status</a>		<a href="#">Inclusion and Diversity</a>	
Gift Cards	<a href="#">Shopping Help</a>		<a href="#">Privacy</a>	
			<a href="#">Supplier Responsibility</a>	

More ways to shop: Visit an [Apple Store](#), call 1-800-MY-APPLE, or [find a reseller](#).

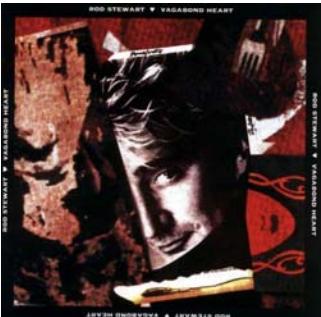
## EXHIBIT C

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Rod Stewart  
From the Album [Vagabond Heart](#)  
March 25, 1991  
50 customer reviews

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\$1.29 to buy



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▶ **Have I Told You Lately (2008 Remastered Version)** 4:01 **\$1.29**

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**Related Video Shorts**



2.41

Rod Stewart - Interview with Rod Stewart



2.24

Rod Stewart - Rod Stewart International EPK



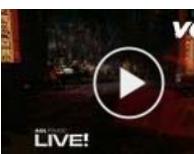
2.59

Rod Stewart - Rod Stewart iTunes Interview



2.42

Rod Stewart - Blue Skies



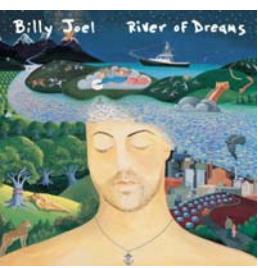
2.42

Rod Stewart - Blue M

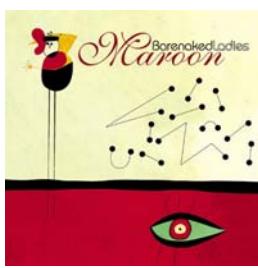
**Customers Also Listened To These Songs**



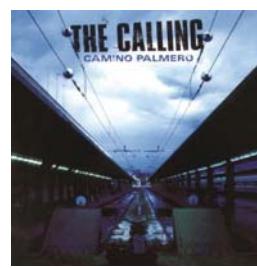
**Crazy Little Thing Called Love**  
Michael Bublé  
10  
Stream or buy for \$1.29



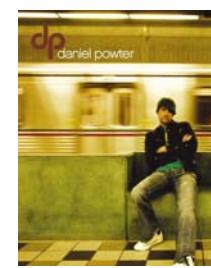
**Lullabye (Goodnight, My Angel)**  
Billy Joel  
25  
Stream or buy for \$1.29



**Pinch Me**  
Barenaked Ladies  
10  
Stream or buy for \$1.29



**Wherever You Will Go**  
The Calling  
25  
Stream or buy for \$1.29



**Bad Day**  
Daniel Powter  
67  
Stream or buy for \$1.29

## Product Details

**Original Release Date:** March 25, 1991

**Release Date:** May 1, 2013

**Label:** Rhino/Warner Bros.

**Record Company Required Metadata:** Music file metadata contains unique purchase identifier. [Learn more.](#)

**Duration:** 4:01 minutes

**Genres:**

[Classic Rock](#)  
[Pop > Adult Contemporary](#)  
[Pop > Pop Rock](#)  
[Rock](#)

**ASIN:** B001KVVK5C

**Average Customer Review:** [50 customer reviews](#)

**Amazon Best Sellers Rank:** #10,817 Paid in Songs ([See Top 100 Paid in Songs](#))

#400 in [MP3 Downloads > Songs > Pop > Adult Contemporary](#)

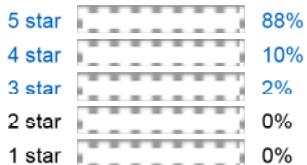
#483 in [MP3 Downloads > Songs > Classic Rock > Album-Oriented Rock \(AOR\)](#)

#1008 in [MP3 Downloads > Songs > Pop > Pop Rock](#)

## Customer Reviews

50

4.8 out of 5 stars



[See all verified purchase reviews](#)

## Top Customer Reviews

**Another beautiful cover song.**

By [dash-o](#) on November 11, 2009

Format: MP3 Music

I've heard several covers of Have I Told You Lately, and think that Rod Stewart sings it better.

Perhaps because in listening to him it makes me believe that he is actually singing it from the heart. I got this one for my other half and she loved it; I scored several points.

Comment 5 people found this helpful. Was this review helpful to you?   [Report abuse](#)

## Most Recent Customer Reviews

**Great song!**

Love it

Published 1 month ago by Amazon Custo

**Five Stars**

great

Published 3 months ago by E. Ault

**Five Stars**

Great

Published 4 months ago by quiet please

**Five Stars**

fine

Published 5 months ago by feminamaxima

**Rod can sing**

Favorite

Published 5 months ago by Barbara R. Ru

**Five Stars**

Describes how zl fEeL for my fiance

**Just realized this wonderful song is more than just romantic love**By [CCL](#) on November 4, 2014

Format: MP3 Music

Just realized this wonderful song is more than just romantic love.

"There's love that's divine and it's yours and it's mine like the sun. And at the end of the day, we should give thanks and pray to the One".

Thank you Lord for taking away all sadness and filling our lives with gladness!

**Comment** One person found this helpful. Was this review helpful to you?   [Report abuse](#)

**To my daughter on her wedding day..."Our Song."**By [Pat Imel](#) on April 12, 2015Format: MP3 Music [Verified Purchase](#)

Favorite singer and second most favorite Rod Stewart song. Will be playing it for my daughter on her wedding day, as I have sang this song to her many times. I want us to have a special moment at the wedding, and what better way to do it than with this song that has become "our" song for my daughter and me.

**Comment** Was this review helpful to you?   [Report abuse](#)

**Moving Song with Great Lyrics**By [D. W. Davis](#) on January 19, 2013Format: MP3 Music [Verified Purchase](#)

When I'm working on a scene in one of my stories and I need to set the mood for a poignant couple's moment, listening to Rod Stewart sing Have I Told You Lately always helps put me in the right frame of mind. Rod's version of the song makes me want to get right up from what I'm doing and tell my wife how much I love her.

**Comment** Was this review helpful to you?   [Report abuse](#)

**Song for a friend**By [Charles Blood](#) on March 13, 2014Format: MP3 Music [Verified Purchase](#)

My friend's dad passed away and this was his favorite song, I bought the song and used the song at the funeral, the family was thankful for me doing that.,.

**Comment** One person found this helpful. Was this review helpful to you?   [Report abuse](#)

**Good**By [Tightwad](#) on June 25, 2013Format: MP3 Music [Verified Purchase](#)

A good Rod Stewart song but price could be better. Amazon should be able to get the cost under \$.99. \$.79 would be better. Would encourage more sales.

**Comment** One person found this helpful. Was this review helpful to you?   [Report abuse](#)

**Special Reason**By [Douglas E. Watts](#) on July 18, 2013Format: MP3 Music [Verified Purchase](#)

This is one of the songs we used in our wedding. We didn't know how long it really is so we stood there looking at each other crying and laughing under our breath until it was done. Will always be special to us.

**Comment** Was this review helpful to you?   [Report abuse](#)

**I love this song!**By [Marqi](#) on March 21, 2013

Published 6 months ago by Amazon Custo

**Have I told you lately s...**

Love this song

Published 6 months ago by badkittyp9

**Five Stars**

I like

Published 9 months ago by Sassy

**Five Stars**

excellent

Published 10 months ago by Amazon Cust

**Five Stars**

Good remaster

Published 10 months ago by Susan Murph

**Search Customer Reviews**

Format: MP3 Music **Verified Purchase**

The words in this song say what my late husband would always tell me. It reminds me so much of him. I own the CD and like most of the songs a lot. I had to have this one to listen to on my Kindle Fire.

Comment Was this review helpful to you?   Report abuse

[See all verified purchase reviews \(newest first\)](#)

### What Other Items Do Customers Buy After Viewing This Item?



[Have I Told You Lately \[Unplugged Version\]](#)

Rod Stewart

50

\$1.29



[Forever Young \(2008 Remastered Version\)](#)

Rod Stewart

71

\$1.29

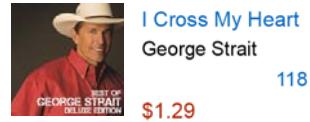


[You Are So Beautiful \(Album Version\)](#)

Joe Cocker

84

\$1.29



[I Cross My Heart](#)

George Strait

118

\$1.29

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## EXHIBIT D

## iTunes Preview

Overview Music Video

iTunes is the world's easiest way to organize and add to your digital media collection.

We are unable to find iTunes on your computer. To preview and buy music from Now & Forever (A Wedding Song) – Single by David Goldstein, download iTunes now.

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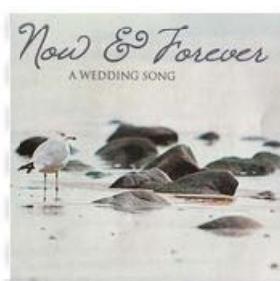
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## Now &amp; Forever (A Wedding Song) – Single

[View More by Thi...](#)

David Goldstein

Open iTunes to preview, buy, and download music.



\$0.99

Genres: Pop, Music

Released: Jun 24, 2015

© 2015 David Goldstein

## Customer Ratings

We have not received enough ratings to display an average for this album.

Name	Artist	Time	Price	
1 Now & Forever (A Wedding Song)	David Goldstein	5:09	\$0.99	<a href="#">View in iTunes</a>

1 Song

## Top Albums and Songs by David Goldstein



1. [If Angels could Sing: Songs of Milken](#) [View in iTunes](#)

2. [Now & Forever \(A Wedding Song\)](#) [View in iTunes](#)

Name	Album	Time	Price	
1 Now & Forever (A Wedding ...	Now & Forever (A Wedding Song)	5:09	\$0.99	<a href="#">View in iTunes</a>
2 Ose Shalom (The One Who ...	If Angels could Sing: Songs of Milken	4:27	\$0.99	<a href="#">View in iTunes</a>
3 Sim Shalom	Milken Archive Digital Vol. 4 A	3:25	\$0.99	<a href="#">View in iTunes</a>

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Watch	Youth Programs	<b>For Business</b>		Press Info
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